

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES,

No. CR 92-00126 SBA

Plaintiff,

**ORDER**

v.

[Docket No. 218]

MICHAEL P. HOLLINS,

Defendant.

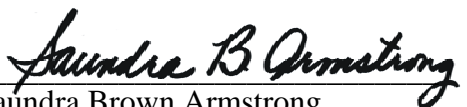
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Before the Court is defendant's Motion to Be Allowed Leave to Participate as Confidential Informant [Docket No. 218]. Defendant is in custody and seeks release from the United States Bureau of Prisons allegedly to assist federal and local law enforcement officials as a confidential informant. The Court previously denied this same request made under Federal Rule of Criminal Procedure 35(b), as the government had not filed a motion under this rule for defendant's early release based on his substantial assistance to the government. *See* Docket No. 217. Defendant has filed the same motion, but this time has provided no legal authority for the Court to order his early release.

The Court notes that 18 U.S.C. § 3582(c)(1) provides that, inter alia, a Court may modify a prison sentence post-imposition for "extraordinary and compelling reasons," *id.* § 3582(c)(1)(A)(i), or as expressly provided by statute or Rule 35, *id.* § 3582(c)(1)(B). Defendant, however, has not provided any analysis regarding why his request fits under either of these categories. The Court DENIES the motion without prejudice.

IT IS SO ORDERED.

December 8, 2008

  
Saundra Brown Armstrong  
United States District Judge

1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE  
4 NORTHERN DISTRICT OF CALIFORNIA

5  
6  
7 USA,

Case Number: CR92-00126 SBA

8 Plaintiff,

**CERTIFICATE OF SERVICE**

9 v.

10 HOLLINS,

11 Defendant.  
12 \_\_\_\_\_/

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,  
14 Northern District of California.

15 That on December 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said  
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
17 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
18 in the Clerk's office.

19 **Michael P. Hollins**  
20 86871-011  
21 USP Hazelton  
22 P.O. Box 2000  
23 Bruceton Mills, WV 26525

24 Dated: December 8, 2008

25 Richard W. Wieking, Clerk

26 By: LISA R CLARK, Deputy Clerk  
27  
28